IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3012 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAMBHAI KAMLABEN HIRABHAI

Versus

CHIEF DIST.HEALTH OFFICER,

Appearance:

1. Special Civil Application No. 3012 of 1994

MRS SHILPA J UNWALLA for Petitioner No. 1

MR BP TANNA for Respondent No. 1

Mr. LR Poojari, AGP for Respondent No. 2

MR JV JAPEE for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 01/04/2004

ORAL JUDGEMENT

The petitioner, who was unsuccessful in getting admission for training for the post of Female Health

Worker, has preferred the present Special Civil Application under Article 226 of the Constitution of India for an appropriate writ, direction or order quashing and setting aside appointment of respondent No.3, i.e. Rekhaben Ishwarlal Sharma who has preferred Special Civil Application No. 10578 of 1993, which is decided by this Court today.

2. It is the case of the petitioner that there was some illegality committed by the respondents in giving admission to respondent No.3 for training course for the post of Female Health Worker and though she was not belonging to Khedbrahma Taluka she was given admission for training for the post in question in Khedbrahma Taluka. This Court admitted this Special Civil Application on 17.12.1994 and it was ordered to be heard along with Special Civil Application No. 10578 of 1993.

3. An affidavit-in-reply has been filed on behalf of the respondents, in which it is stated that even if the respondent No.3 would not have been given admission for the said training course, the petitioner was not likely to get the admission as she was not likely to get admission on merits as she was lower in the merit list, and therefore it is submitted that the present Special Civil Application requires to be dismissed.

4. Today, this Court has disposed of the Special Civil Application No. 10578 of 1993 filed by respondent No.3 herein in which this Court has observed that for appointment of respondent No.3 herein a preliminary inquiry was conducted by the respondents and prima facie it has been found that she was not belonging to Khedbrahma Taluka and therefore a proposal is sent to the Commissioner and ultimately to the competent authority, i.e., State of Gujarat for taking appropriate action for cancellation of the Certificate. In this view of the matter, so far as the grievance made by the petitioner with regard to appointment of respondent No.3 is concerned, an inquiry is being conducted and the appropriate authority is directed to take appropriate decision after giving an opportunity of being heard to the parties. Under the circumstances, so far as the prayer of the petitioner challenging appointment of respondent No.3 is concerned, it does not survive at present. Under the circumstances, the present Special Civil Application is disposed of. Rule is discharged with no order as to costs.

rmr. [M.R. Shah, J.]